IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 617 OF 2007

IN

CRIMINAL APPEAL NO. 502 OF 2007

Santosh Laxman Patil & Anr. .... Applicants
Vs.
The State of Maharashtra .... Respondent

Mr. K.S. Patil for the Appellants
Ms. M.H. Mhatre, APP for the Respondent.

CORAM : J.H. BHATIA, J.
DATE : 7TH JUNE, 2007

P.C.

1) Heard Mr. K.S. Patil, learned counsel for the appellants and Ms. M.H. Mhatre, learned APP for the respondent.

2) Three accused were prosecuted for the offence punishable under Section 307, 506(II) and 120(B) of Indian Penal Code. After trial, accused no. 3, with whom the victim had actual dispute and who was supposed to be behind the assault, was acquitted. After that accused nos. 1 and 2 who are appellants were convicted for the offence punishable under Section 307 r/w 34 of Indian Penal

Code and were sentenced to undergo R.I. for 5 years and to pay fine of Rs.5,000/- each. They preferred appeal challenging the conviction and sentence. Appeal is admitted. By this application, they seek to be released on bail.

3) It appears that the injured, who was practising Advocate, had suffered minor injuries on his left hand and other parts of the body with a knife which was in the hands of accused no. 3. It appears that during the scuffle blade of the knife was caught by the victim and he sustained injury to his hand and other parts of the body. Initially offence under Section 324 r/w 34 of Indian Penal Code was registered, but later on Section 307 r/w 34 Indian Penal Code was added.

4) For the aforesaid reasons, the applicants are granted bail on the same terms and conditions as before the Trial Court subject to furnishing their fresh bail bonds and depositing the fine amount.

(J.H. BHATIA, J.)